

EXHIBIT "D"

EXHIBIT "D"

"D"

1002



INMATE: Hollis CDC #: E-37508 CDC HOUSING: D1-220

THIS IS NOT AN APPEAL RESPONSE - THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.

**YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):**

- |   |  |
|---|--|
| <input type="checkbox"/> Duplicate Appeal; Same Issue                                 | <input type="checkbox"/> Limit of One Continuation Page May Be Attached  |
| <input checked="" type="checkbox"/> Do Not Combine Staff Complaints with Other Issues | <input type="checkbox"/> Inappropriate Statements  |
| <input type="checkbox"/> Time Constraints Not Met                                     | <input type="checkbox"/> Action / Decision Not Taken By CDCR   |
| <input type="checkbox"/> Cannot Submit On Behalf Of another Inmate                    | <input type="checkbox"/> DRB Decisions Are Not Appealable  |
| <input type="checkbox"/> No Significant Adverse Effect Demonstrated                   | <input type="checkbox"/> Appealing Action Not Yet Taken  |
| <input type="checkbox"/> Pointless Verbiage/Appeal is vague                           | <input type="checkbox"/> May Submit One (1) Non-Emergency Appeal Per Week  |
| <input checked="" type="checkbox"/> Incomplete 602                                    | <input type="checkbox"/> Not A Request Form; Use CDCR-7362 - to access Medical Services, submit your request on a CDCR-Form 7362. If necessary, sign up for sick call. |
| <input type="checkbox"/> Attempting to Change Original Appeal Issue                   | <input type="checkbox"/> Write your appeal in black or blue ink, this is a legal document and pencil/inks other than black or blue do not copy legibly                 |
| <input type="checkbox"/> Not Authorized to Bypass Any Level                           |  |
| <input type="checkbox"/> Request for Interview; Not an Appeal                         |  |
| <input checked="" type="checkbox"/> Numerous and separate issues                      |  |

RET'D JAN 25 2006

**PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS**

Comments: You may write on back of this form to clarify or respond to the above.

why do you want a IIS  
reheard that you were found  
'not guilty' for?

Staff complaints need to be separate  
from other complaints.

please refrain from utilizing legal jargon  
in your appeal, it makes it difficult for  
me to understand your problem: Action wanted.

monetary compensation is outside the scope  
of the Appeals process

  
Eloy Medina, CC-II  
Appeals Coordinator

Date:

12/17/05  
1-18-06

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on separate piece of paper, or use the back of this screen out - do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

**PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE**

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTION

INMATE/PAROLEE  
APPEAL FORM  
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1.

2.

You may appeal any policy, action or decision which has significant adverse affect upon you. With the exception of Serious 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the support documents and not more than one additional page of comments to the Appeal Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME <b>MARVIN HOLLIS</b>	NUMBER <b>E-37508</b>	ASSIGNMENT <b>*ACI-SPG*</b>	UNIT/ROOM NUMBER <b>D-1-220</b>
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A. Discuss Problem: This complaint is filed against SALINAS VALLEY STATE PRISON WARDEN M. EVANS, SERGEANT D. CAPLAN, AND LT. G.R. SALAZAR. I WAS DENIED WITNESSES AT MY DISCIPLINARY HEARING IN RELATION TO RVR#FD-05-06-0010 IN VIOLATION OF CCR 331.5(P)(1)(2) 3141. SGT. D. CAPLAN, FABRICATED HIS REPORT RVR#FD-05-06-0010 FALSELY ACCUSING ME OF VIOLATING CCR 3012 ATTEMPTING TO FRAUD S.V.S.P. IN RETALIATION AND REPRISAL FOR MY USE OF THE TDCR 602 PRISON GRIEVANCE SYSTEM SUBMITTING APPEAL LOG# SVSP-D-05-00965 AND SVSP-D-04-04642. SGT. D. CAPLAN FALSE CHARGE INFRINGED MY 1ST AMENDMENT RIGHT TO FILE  
If you need more space, attach on additional sheet: \* (SEE ATTACHMENTS) \*

A. Action requested: That RVR#FD-05-06-0010 be ordered REISSUED REHEARD PURSUANT TO CCR 3084.5(h)(2), TO KNOW WHY RETALIATION AND REPRISAL WAS TAKEN AGAINST ME AND WHY I WAS FALSELY CHARGED FOR VIOLATING CCR 3012 ATTEMPTING TO FRAUD THE STATE, AWARDED COMPENSATORY AND PUNITIVE DAMAGES OF \$2,500.00 OR WITH LOCAL RESOURCES TO RESOLVE THE MATTER ADMINISTRATIVELY.

Inmate/Parolee Signature:

Date Submitted: 11-21-05

B. INFORMAL LEVEL Date Received:

Staff Response:

**BYPASS**

Staff Signature:

Date Returned to Inmate:

C. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigators Report, Classification chrono, CDC 123, etc.) and submit to the Institution/Parole Region Appeals Coordinator for procession within 15 days of receipt of response.

**BYPASS**

Signature:

Date Submitted:

Note: Property/Funds appeals must be accompanied by a completed Board of Control Form BC-1E, Inmate Claim

CDC Appeal Number:

PRISON GRIEVANCES AND HAD A CHILLING EFFECT. SGT. CAPLAN, RETALIATION OR RETALIATORY ACTION ADVANCE NO LEGITIMATE PENOLOGICAL INTEREST. SGT. CAPLAN, RETALIATION AND REPRISAL FOR MY "PRIOR" USE OF THE GRIEVANCE SYSTEM ALSO VIOLATED CCR. 3084.1(c) AND 3391. PURSUANT TO CCR. 3391(c) IN PART, EMPLOYEES SHALL BE ALERT, COURTEOUS, AND PROFESSIONAL IN THEIR DEALINGS WITH INMATES AND IRRESPONSIBLE OR UNETHICAL CONDUCT OR CONDUCT REFLECTING DISCREDIT ON THEMSELVES OR THE DEPARTMENT SHALL BE AVOIDED BY ALL EMPLOYEES. SGT. CAPLAN, DEFAMED ME BY MAKING HIS FALSE ALLEGATIONS CHARGING ME WITH ATTEMPTING TO FRAUD THE STATE. THIS ALLEGATION WAS WILLFUL, OPPRESSIVE, AND ANNOYING. THIS COMPLAINT IS SUBMITTED AS A EMPLOYEE MISCONDUCT APPEAL PURSUANT TO ADMINISTRATIVE BULLETIN 98/10. I NOTIFIED M. EVANS, OF SGT. D. CAPLAN, REPRISAL AND RETALIATION AGAINST ME IN WHICH HE FAILED TO TAKE ANY ACTION AND ALLOWED THE FALSE CHARGE TO GO FORWARD AND ALLOWED D. CAPLAN, TO VIOLATE ~~MY~~ INFRINGE MY 1ST AMENDMENT RIGHT. M. EVANS BREACHED A DUTY OF CARE,

↓ \* (OVER ON BACK) \* ↓  
↓ ↓



\* (challenge to screening form) \*

1-10-06

TO: E. Medina CLERMONT, EVANS, HOLLIS

FROM: HOLLIS, E-37508 D-1-220

RE: (NGO V. WOOD/FORD 403 F.3d 620 (7th Cir (2005))

SIR, YOUR SCREENING FORM IS INACCURATE. MY APPEAL WAS ASSIGNED FOR A 2ND LEVEL OF REVIEW WITH A DUE DATE OF 1-4-06. I REQUESTED FOR THE RVR TO BE REISSUED/REHEARD BECAUSE MY PROCEDURAL AND DUE PROCESS RIGHTS WERE VIOLATED AND PER C.R. 3084.5 (11/21) IF DUE PROCESS IS VIOLATED THE ORIGINAL DISPOSITION SHALL BE VACATED. I HAVE A RIGHT UNDER CALIFORNIA LAW TO MAKE A STAFF COMPLAINT AND PER DEPARTMENTAL POLICY ADMINISTRATIVE BULLETIN 98/10. 3Rd, MY ISSUE ADDRESSED IS CLEAR AND COMPREHENSIVE AND I HAVE A RIGHT TO FREEDOM OF SPEECH, EXPRESSION AND A RIGHT TO PETITION THE GOVERNMENT ~~FOR~~ <sup>PER</sup> REDRESS OF GRIEVANCES. 4th, I CAN REQUEST ANY ACTION I WANT WHICH YOU HAVE A OPTION TO GRANT, PARTIALLY GRANT, OR DENY. YOUR SCREENING FORM WAS GENERATED IN BAD FAITH AND APPEARS TO ATTEMPT TO SHIELD AND

\* (OVER ON BACK) \* ↓



**INMATE APPEAL ROUTE SLIP**

To: CDW/LUMAN

Date: November 30, 2005

From: INMATE APPEALS OFFICE

\* Re: Appeal Log Number SVSP-D-05-04494 By Inmate HOLLIS, E37508

\* (Please assign this appeal to appropriate staff for SECOND level response.) \*

Appeal Issue: DISCIPLINARY

Due Date: 01/04/2006

Special Needs:

\* STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

T. VARIZ, CC-II / J. LUMAN, LT  
Appeals Coordinator  
Salinas Valley State Prison

REC'D JAN 17 2006

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	RELEASE/BOARD DATE 7/2/2082	INST. SVSP	HOUSING NO. D6-127	LOG NO. D-05-06-0010
VIOLATED RULE NO(S). CCR 3012		SPECIFIC ACTS Attempting to Fraud S.V.S.P.		LOCATION D6-127	DATE 06/07/05
CIRCUMSTANCES		TIME hours			

On 06/07/05, it was noticed that Inmate HOLLIS (E-37508)(D6-127), had two Appeals pending, a first level: Log Number SVSP-D-04-04642, and a second level Log number SVSP-D-05-00965. Both Appeals were in regards to a radio. The first level stated that his radio was lost by staff when he was placed into Administrative Segregation. It was denied due to the lack of evidence at the first level. On December 30, 2004 Inmate HOLLIS was interviewed regarding his missing radio to bring closure to his appeal. At this time he still claimed that his radio was missing. On January 04, 2005 Inmate HOLLIS claims that his missing radio was damaged due to plumbing problems. This radio was, according to him missing 4 days prior in an interview. This action is clearly fraud. Inmate HOLLIS is attempting to fraud the state. Inmate HOLLIS own statement of not having a radio in his possession and then filing a 602 appeal stating that it was damaged as a result of plumbing is clearly a violation of the above CCR number. Inmate HOLLIS is a participant in the Mental Health Service Delivery System. At a **CCMS** level of care.

REPORTING EMPLOYEE (Typed Name and Signature) D. Pagan, Correctional Sergeant		DATE 6/15/05	ASSIGNMENT D-Vard Sgt.	RDO'S S/M
REVIEWING SUPERVISOR'S SIGNATURE [Signature]		DATE 6/15/05	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: F	DATE 6/15/05	CLASSIFIED BY (Typed Name and Signature) J. Celan	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING				
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) E. Continous	DATE 6/16/05	TIME 1:50	TITLE OF SUPPLEMENT Copy of appeal log # SVSP-D-04-04642 Copy of appeal log # SVSP-D-05-00965
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) D. E. Perry	DATE 10/13/05	TIME 10:43	BY: (STAFF'S SIGNATURE) Schiz
HEARING				

**Plea:** Inmate HOLLIS entered a Not Guilt plea to the charges.

**Findings:** Inmate HOLLIS was found **NOT GUILTY** of CCR§ 3012, specifically "ATTEMPTING TO FRAUD", A Division "F" Offense.

**Disposition:** All charges dismissed in the interest of justice.

**Additional Disposition:** N/A

**Classification Referral:** N/A

(Disposition continued on CDC-115C)

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME) G. R. SALAZAR, CORRECTIONAL LIEUTENANT	SIGNATURE [Signature]	DATE 10/18/05	TIME 0828
REVIEWED BY: (SIGNATURE) [Signature]	DATE 11/11/05	CHIEF DISCIPLINARY OFFICER'S SIGNATURE D. TRAVERS, A.W.	DATE 11/15/05
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) [Signature]	DATE 11/16/05	TIME 1910

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-05-06-0010	INSTITUTION S.V.S.P.	TODAY'S DATE 10-18-05
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

**Hearings:** The hearing was convened on 10-18-05, at approximately 0828 hours, when I introduced myself to Inmate HOLLIS as Lieutenant G. R. Salazar, the Senior Hearing Official for this disciplinary hearing.

**Inmate's Health:** Inmate HOLLIS stated his health was good and was ready to proceed.

**MHDS:** Inmate HOLLIS is a participant in the Mental Health Delivery System at the CCMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibited any bizarre behavior that would raise concern about his mental health. At the hearing, Inmate HOLLIS did not demonstrate any strange, bizarre or irrational behavior. Based on this and pursuant to recent changes approved by the U.S. District Court in *Coleman vs. Wilson*, a mental health assessment was not initiated. Therefore, a Staff Assistant was not assigned.

**Date of Discovery:** 06-07-05

**Initial RVR copy issued on:** 06-07-05

**Hearing started on:** 10-18-05

**Last document issued to inmate on:** 06-07-05

**D.A. postponed date:** N/A

**D.A. results issued date:** N/A

**Time Constraints:** Have Not Been Met. Heard after the 30 day time constraint.

**T.A.B.E. Scores:** Inmate HOLLIS T.A.B.E. was above 4.0 and therefore did not meet the criteria for a Staff Assistance pursuant to CCR§ 3315(b)(2). Therefore before this hearing was conducted this SIO ascertain that Inmate HOLLIS was able to read and understand the contents of the RVR and associated documents. Inmate HOLLIS did not demonstrate any strange, bizarre or irrational behavior therefore a Staff Assistant was not assigned for this hearing.

**Staff Assistant (SA):** Not Assigned

**Investigative Employee (IE):** An Investigative Employee was assigned. C.O. Brawn was assigned as the Investigative Employee for this hearing and was present.

**D.A. Referral:** None. **Evidence Requested or Used:** None. **External/Outside Evidence:** None. **Video Tape Evidence:** N/A.

**Inmate Plea and Statement:** Inmate HOLLIS entered a plea of **NOT GUILTY** and stated, "I request to be found not guilty in the interest of justice. Sgt. Caplan has fabricated his report, taking reprisal and retaliatory actions towards me for submitting a 602 appeal in violation of *Hines vs. Gomez*. All reports generated are contradictory in nature, and does not support the written rule violation report. Both property appeals addressed in the 115 does not substantiate the charges, I'm being charged with".

**Witnesses Requested or Provided:** None. **Witness Testimony at Hearing:** None. **Confidential Information:** None.

G. R. SALAZAR, CORRECTIONAL LIEUTENANT

<input checked="" type="checkbox"/>	COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER <i>G. R. Salazar</i>	DATE SIGNED 11/10/05
		GIVEN BY: (Staff's Signature) <i>A. Calabrese</i>	DATE SIGNED 11/16/05 TIME SIGNED 1910



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-05-06-0010	INSTITUTION S.V.S.P.	TODAY'S DATE 10-13-05
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				

**Findings:** Inmate HOLLIS is found NOT GUILTY of "ATTEMPTING TO FRAUD" This finding is based upon the following preponderance of evidence:

A. After reviewing the Appeals submitted by Inmate HOLLIS: SVSP-D-04-4642 dated October 28, 2004. HOLLIS is alleging that his Super 3 Radio was misplaced by Facility "D" Staff. HOLLIS stated during the hearing that the radio is still missing. Appeals log # SVSP-D-05-00965 HOLLIS alleges that his legal material was damaged or destroyed by water from the drains that flooded his cell. In this appeal HOLLIS is requesting to be compensated for his damaged legal work with a Super 3 Radio with headphones or other local resources cosmetic canteen items.

B. It appears to this SHO that the reporting employee Sgt. Caplan believed HOLLIS was claiming his radio was damaged by the water; when in fact HOLLIS was asking for reimbursement for his damaged legal documents with a Super 3 Radio. There is no evidence to substantiate fraud. This SHO chooses to dismiss this Rules Violation report in the interest of Justice.

**Additional Disposition:** N/A

**Enemy Concerns:** None.

**Appeal Rights:** Inmate HOLLIS was advised of his rights to appeal and also the policy and procedure of credit restoration per C.C.R. §3327. Inmate HOLLIS was advised he will receive a completed copy of the R/R upon final audit by the Chief Disciplinary Officer.

G. R. SALAZAR, CORRECTIONAL LIEUTENANT

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER <i>[Signature]</i>	DATE SIGNED 11/10/05
	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 11/16/05

**SERIOUS RULES VIOLATION REPORT**

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	VIOLATED RULE NO(S). CCR §301.2	DATE 6/7/05	INSTITUTION SVSP	LOG NO. FD-05-06-0010
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

**POSTPONEMENT OF DISCIPLINARY HEARING**

<input checked="" type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION
---------------------------------	-------------

<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE N/A	DATE
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**STAFF ASSISTANT**

<input type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input type="checkbox"/> NOT ASSIGNED	REASON		

**INVESTIGATIVE EMPLOYEE**

<input checked="" type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE <i>Mar Hall</i>	DATE 6-16-05
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input type="checkbox"/> NOT ASSIGNED	REASON AD-SEG		

EVIDENCE/INFORMATION REQUESTED BY INMATE:

*ALL PROPERTY APPEALS RJR PROPERTY RECORDS*

**WITNESSES**

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)				
<input checked="" type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NONE
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)		GRANTED	NOT GRANTED	
<i>CC II T. VARIZ, 3 Gomez</i>		<input type="checkbox"/>	<input type="checkbox"/>	
<i>No witnesses were requested at the hearing</i>		<input type="checkbox"/>	<input type="checkbox"/>	
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)		GRANTED	NOT GRANTED	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

(DON'T SEE CDC-115-C)

*I requested the reporting employee, T. VARIZ, AND CC II/AI Gomez.*

Drewen, Correctional Officer

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) <i>E. Contreras</i>	TIME 1150	DATE 6/16/05
INVESTIGATOR'S SIGNATURE		DATE	



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE \_\_\_\_ OF \_\_\_\_

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-05-06-0010	INSTITUTION SUSP	TODAY'S DATE 06/29/05
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

On 06/29/05, I was assigned as Investigative Employee for CC-115, Log# FD-05-06-0010. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder for the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

**DEFENDANT'S STATEMENT:** Inmate HOLLIS (E-37508) made the following statement: "I request to be found not guilty in the interest of justice. Sgt Caplan has fabricated his report, taking reprisal and retaliatory actions towards me. I am submitting a 602 appeal in violation of Hines vs. Gomez. All reports generated are contradictory in nature, and does not support the written rule violation report. Both property appeals addressed in the 115 dose not substantiate the charges, I'm being charged with.


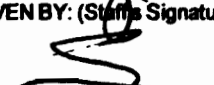
**REPORTING EMPLOYEE'S STATEMENT:** On 06/29/05, I interviewed Officer Brown, regarding Inmate HOLLIS charges, and made the following statement: "On 06/07/05, it was noticed that Inmate HOLLIS (E-37508)(06-127), had two Appeals pending, a first level: Log Number SVSP-D-04-24542, and a second level Log number SVSP-D-05-00965. Both Appeals were in regards to a radio. The first level stated that his radio was lost by staff when he was placed into Administrative Segregation. It was denied due to the lack of evidence at the first level. On December 30, 2004 Inmate HOLLIS was interviewed regarding his missing radio to bring closure to his appeal. At this time he still claimed that his radio was missing. In January 04, 2005 Inmate HOLLIS claims that his missing radio was damaged due to plumbing problems. This radio was, according to him missing 4 days prior in an interview. This action is clearly fraud. Inmate HOLLIS is attempting to fraud the state. Inmate HOLLIS own statement of not having a radio in his possession and then filing a 602 appeal stating that it was damaged as a result of plumbing is clearly a violation of the above CC# number.

**INVESTIGATIVE EMPLOYEE'S STATEMENT:** Officer Brown made the following statement: "I interviewed all Staff and Inmate HOLLIS concerning this RVR".

★ Inmate HOLLIS requested the following witnesses to be present at the disciplinary hearing. ★

NAME	POSITION	RDO'S
Caplan	SGT	
I. Variz	Appeals Cord	
C. Gomez	CC II (A)	

Brown, Correctional Officer

SIGNATURE OF WRITER 		DATE SIGNED 8/14/05	
GIVEN BY: (Staff's Signature) 		DATE SIGNED 8/14/05	TIME SIGNED 2:00



COPY OF CDC 115-C GIVEN TO INMATE

State of California  
CDC FORM 695  
Screening For:  
CDC 602 Inmate/Parolee Appeals  
CDC 1824 Reasonable Modification or Accommodation Request

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RE: Screening at the INFORMAL Level

August 4, 2005

**HOLLIS, E37508**  
**D1-220**

Log Number: SVSP-D-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

***You disciplinary appeal is incomplete. You must attach legible copies of all documents you received during the disciplinary process. For example: the completed CDC 115, Rule Violation Report, the laboratory report, the Mental Health Assessment Form, the completed CDC 115-A, Serious Rule Violation Report, the CDC 115, Investigative Employee report, supplemental reports for the CDC 115, the CDC 7219, Report of Injury, the complete CDC 837, Incident Report, and the CDC 1030, Confidential Information Disclosure Form.***

***On 07/26/05 this appeal was screened and returned to you requesting that you attach the entire RVR. You returned this appeal without doing as you were instructed to.***

***Therefore, based upon your continued refusal to comply with the Appeal Coordinator's instruction is cause for cancellation of this appeal pursuant to CCR 3084.4 (b) ABUSE-failure to cooperate.***

***Also, your comments on the original screening form are not appropriate and disrespectful-you are in violation of CCR 3004 Rights and Respect of Others. This serves as your Appeal Abuse Warning.***

**NOTE:** Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.



**State of California**

**CDC FORM 695**

**Screening For:**

**CDC 602 Inmate/Parolee Appeals**

**CDC 1824 Reasonable Modification or Accommodation Request**

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**Appeals Coordinator**

**Salinas Valley State Prison**

**NOTE:** Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

State of California  
CDC FORM 695  
Screening For:  
CDC 602 Inmate/Parolee Appeals  
CDC 1824 Reasonable Modification or Accommodation Request

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RE: Screening at the INFORMAL Level

September 22, 2005

**HOLLIS, E37508**  
**D1-220**

Log Number: SVSP-D-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)


The enclosed documents are being returned to you for the following reasons:

*There has been too great a TIME LAPSE between when the action or decision occurred and when you filed your appeal with no explanation of why you did not or could not file in a timely fashion. Time limits expired per CCR 3084.6(c).*

*The attached appeal was originally screened out as incomplete as the appellant submitted this appeal without the correct and completed documents. This appeal was returned to the appellant on the following dates: 07/26/05, 08/04/05, 08/15/05, 08/26/05 and today 09/22/05.*

*The appellant had numerous occasions to comply with the screen out form and chose not to do so. Therefore this appeal is rejected and cancelled as untimely.*

DELIVERED SEP 30 2005

  
Appeals Coordinator  
Salinas Valley State Prison

**NOTE:** Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.



State of California

**INMATE / PAROLEE APPEAL SCREENING FORM**Department of Corrections and Rehabilitation  
CDCR-695INMATE: Hollis CDC #: E-37508 CDC HOUSING: C3-225THIS IS NOT AN APPEAL RESPONSE - THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR  
RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.**YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):**

- |  |  |
|--|--|
| <input type="checkbox"/> Duplicate Appeal; Same Issue                      | <input type="checkbox"/> Limit of One Continuation Page May Be Attached          |
| <input type="checkbox"/> Do Not Combine Staff Complaints with Other Issues | <input type="checkbox"/> Inappropriate Statements                                |
| <input type="checkbox"/> Time Constraints Not Met                          | <input type="checkbox"/> Action / Decision Not Taken By CDCR                     |
| <input type="checkbox"/> Cannot Submit On Behalf Of another Inmate         | <input type="checkbox"/> DRB Decisions Are Not Appealable                        |
| <input type="checkbox"/> No Significant Adverse Effect Demonstrated        | <input type="checkbox"/> Appealing Action Not Yet Taken                          |
| <input type="checkbox"/> Pointless Verbiage/Appeal is vague                | <input type="checkbox"/> May Submit One (1) Non-Emergency Appeal Per Week        |
| <input checked="" type="checkbox"/> Incomplete 602                         | <input type="checkbox"/> Not A Request Form; Use CDCR-7362 - to access Medical   |
| <input type="checkbox"/> Attempting to Change Original Appeal Issue        | Services, submit your request on a CDCR-Form 7362.                               |
| <input type="checkbox"/> Not Authorized to Bypass Any Level                | If necessary, sign up for sick call.   |
| <input type="checkbox"/> Request for Interview; Not an Appeal              | <input type="checkbox"/> Write your appeal in black or blue ink, this is a legal |
| <input type="checkbox"/> Numerous and separate issues                      | document and pencil/inks other than black or blue do                             |
|  | not copy legibly   |

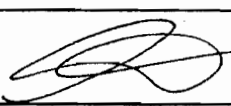
**PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS**

Comments: You may write on back of this form to clarify or respond to the above.

Hollis - you have not provided any evidence of  
misconduct. The RVR you attached  
was dismissed because you already have  
a pending RVR that has not been  
adjudicated.

REC'D JUN 28 2006

6/26/06 received / I'm alleges misconduct (retaliation)  
but has provided no compelling testimony/evidence  
to support the allegation.

  
Eloy Medina, CC-II  
Appeals Coordinator
Date: 6/15/06

RET'D JUN 27 2006

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper, or use the back of this screen out - do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE  
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1.

2.

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

Staff Complaint

% Ortega

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
MARVIN HOLLIS	E-37508	N/A	C-3-225

A. Describe Problem: THIS COMPLAINT IS FILED AGAINST SALINAS VALLEY STATE PRISON WARDEN M. EVANS, AND CORRECTIONAL OFFICER V. ORTEGA. OFFICER ORTEGA FABRICATED HIS REPORT RVR# FD-06-02-0041 FALSELY ACCUSING ME OF VIOLATING CCR 3005(b) OBEYING ORDERS IN RETALIATION AND REPRISAL FOR MY USE OF THE (CDCR) 602 PRISON GRIEVANCE SYSTEM. % ORTEGA FALSE CHARGE INFRINGED MY 1ST AMENDMENT RIGHT TO FILE PRISON GRIEVANCES AND HAD A CHILLING EFFECT. % ORTEGA, RETALIATORY ACTION ADVANCED NO LEGITIMATE PENOLOGICAL INTEREST. % ORTEGA, RETALIATION AND

If you need more space, attach one additional sheet. DELIVERED OCT 16 2006

\*(SEE ATTACHMENTS)\*

B. Action Requested: FOR OFFICER ORTEGA BE REPRIMAND OR DISCIPLINED FOR HIS ACTS OF FILING FALSE CHARGES AGAINST ME. THAT I BE COMPENSATED \$21,500.00 FOR VIOLATION OF MY CONSTITUTIONAL RIGHTS, THAT (SUSP) STAFF STOP TAKING REPRISAL AND RETALIATORY ACTIONS AGAINST ME. THAT THIS BE INVESTIGATED

Inmate/Parolee Signature: MURVIN HOLLISDate Submitted: 6-13-06

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

RECEIVED JUN 15 2006  
REC'D JUN 28 2006

Staff Response: \_\_\_\_\_

DELIVERED JUN 22 2006

RET'D JUN 27 2006

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: \_\_\_\_\_

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

REC'D SEP 29 2006

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: \_\_\_\_\_

Board of Control form BC-1E, Inmate Claim

CANCELLED

A2-1  
Rec'd  
7/26/06  
SAR



REPRISAL FOR MY PRIOR USE OF THE GRIEVANCE SYSTEM ALSO VIOLATED  
 CCR. 3084.1(K) AND 3391. PURSUANT TO CCR. 3391 (2) IN PART;  
 EMPLOYEES SHALL BE ALERT, COURTEOUS, AND PROFESSIONAL IN THEIR  
 DEALINGS WITH INMATES AND IRRESPONSIBLE OR UNETHICAL CONDUCT  
 OR CONDUCT REFLECTING DISCREDIT ON THEMSELVES OR THE DEPARTMENT  
 SHALL BE AVOIDED BY ALL EMPLOYEES. M. EVANS, BREACHED A DUTY  
 OF CARE AND TREATMENT FOR ME AND ALAN C/O ORTEGA, TO WILLFULLY  
 VIOLATE THE CODE OF CONDUCT. I INFORMED C/O ORTEGA, ALSO  
 THAT I WOULD BE SUBMITTING A COMPLAINT AGAINST HIM FOR FALSELY  
 CHARGING ME. THERE WAS NO EVIDENCE AT MY HEARING TO  
 SUPPORT HIS FALSE CHARGE AGAINST ME. HIS ACTS WERE WILLFULLY,  
 OPPRESSIVE AND ANNOYING. NO INMATE HAS EVER ASSIGNED TO  
 BE HOUSED IN D-1-220 ON THE DATE AND TIME IN QUESTION.  
 NO (CDC) 1882-B OR (CDC) 154 HAS EVER GENERATED.  
 THE HEARING OFFICER FAILED TO DOCUMENT C/O ORTEGA DISTORTED  
 AND FALSE CHARGES IN THE FINDINGS BUT DOCUMENTED  
 SOMETHING THAT IS NOT COMPREHENSIVE AND COVERS UP THE  
 TRUTH AND UNDERMINES THE SERIOUSNESS OF OFFICER ORTEGA'S  
 ACTS. C/O V. ORTEGA DEFAMED ME BY MAKING HIS FALSE  
 ALLEGATIONS AGAINST ME, C/O ORTEGA NEED TO BE HELD  
 ACCOUNTABLE FOR HIS UNLAWFUL ACTS AND UNPROFESSIONALIZM.

804 to Records: DSDate: 2/23/06

STATE OF CALIFORNIA

## RULES VIOLATION REPORT

**Rec** <sup>OK</sup>

DEPARTMENT OF CORRECTIONS

CDC NUMBER <b>E-37508</b>	INMATE'S NAME <b>HOLLIS</b>	RELEASE/BOARD DATE	INST. <b>SVP</b>	HOUSING NO. <b>D1-220</b>	LOG NO. <b>FD-06-02-0041</b>
VIOLATED RULE NO(S). <b>CCR §3005(b)</b>		SPECIFIC ACTS <b>Willfully Obstructing A P.O. #411</b>	LOCATION	DATE <b>02/15/06</b>	TIME <b>1900 hours</b>

## CIRCUMSTANCES

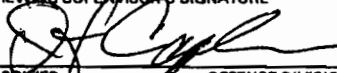
On 02/15/06, at approximately 1900 hours, I informed Inmate HOLLIS (E-37508, D1-220L) that he is to be expected to and would be receiving a compatible cellmate, per Operational Procedure #42, signed by the Warden. This states in part..."Inmates are expected to share occupancy of living quarters, either in a dormitory setting or within an individual cell." A review of Inmate HOLLIS 114-D signed by Captain Ponder reflects that Inmate HOLLIS was cleared for double celling, as well as the Inmates 114 files reflects that Inmate HOLLIS was cleared and approved for double celling by the ICC on 10/27/05. Inmate HOLLIS refused to except the assigned compatible cellmate, stating "Nah, Go ahead and write me up. I'm cool with no cellie. Your doing me a favor by writing me up, Thanks. Your helping me out". Inmate HOLLIS was given a direct order to submit to handcuffs so the other Inmate could be placed in the cell and he refused. This refusal is in direct violation of O.P. #42.3.3 and disrupted the normal operation of the ASU. The need to compact and consolidate within the ASU is crucial to the daily operation, were the demand for bed space is critical. Inmate HOLLIS refusal to except a compatible cellmate has caused a negative impact on the ASU. Inmate HOLLIS was informed of this documentation.

Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCMS level of care.

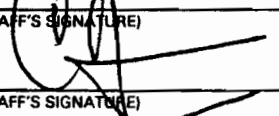
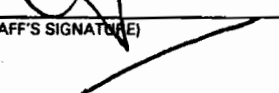
REPORTING EMPLOYEE (Typed Name and Signature)

REPORTING EMPLOYEE (Typed Name and Signature) <b>V. Ortega, Correctional Officer</b>	DATE <b>2/23/06</b>	ASSIGNMENT <b>D1-Flr 2</b>	RDO'S <b>S/M</b>
---	------------------------	-------------------------------	---------------------

REVIEWING SUPERVISOR'S SIGNATURE

REVIEWING SUPERVISOR'S SIGNATURE 	DATE <b>2/23/06</b>	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: <b>2-23-06</b>	CLASSIFIED BY (Typed Name and Signature) <b>CC11 Hughes</b>
HEARING REFERRED TO		<input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

## COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) 	DATE <b>2/27/06</b>	TIME <b>1300</b>	TITLE OF SUPPLEMENT
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) 	DATE	TIME	BY: (STAFF'S SIGNATURE)

HEARING

Plea: Not Guilty.

**Findings:** Inmate HOLLIS was found NOT GUILTY of CCR §3005(b), specifically "Willfully Obstructing A P.O." a Division "D(6)" offense. This finding is based on the preponderance of evidence presented at the hearing which does not substantiate the charge. Inmate has pending RVR for specific act, 'Willfully Obstructing A Peace Officer' that has not been adjudicated.


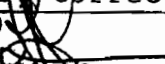
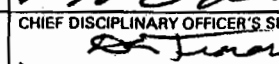

Disposition: Dismissed In the Interest Of Justice.

Classification Referral: Refer to ICC for Program Review

INMATE COPY

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)

ACTION BY: (TYPED NAME) <b>N. Walker, Correctional Lieutenant</b>	SIGNATURE 	DATE <b>4/21/06</b>	TIME <b>1600</b>
REVIEWED BY: (SIGNATURE) 	DATE <b>4/24/06</b>	CHIEF DISCIPLINARY OFFICER'S SIGNATURE 	DATE <b>4/24/06</b>
BY: (STAFF'S SIGNATURE) 	DATE	TIME	DATE

☐ COPY OF CDC 115 GIVEN INMATE AFTER HEARING



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE \_\_\_\_ OF \_\_\_\_

CDC NUMBER <b>E-37508</b>	INMATE'S NAME <b>HOLLIS</b>	LOG NUMBER <b>FD-06-02-0041</b>	INSTITUTION <b>SVSP</b>	TODAY'S DATE <b>04/16/06</b>
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

Hearing: 04/16/06.

Time: 1245 hours.

Any Postponement Explained: N/A.

Inmate Plea and Statement: Inmate HOLLIS entered a plea of Not Guilty and chose to remain silent.

Inmate's Health: Inmate HOLLIS claims to be in good health and prepared to proceed with the disciplinary process.

**MSDS:** Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibit any bizarre behavior that would raise concerns about his mental health. At the hearing, Inmate HOLLIS did not demonstrate any strange, bizarre, or irrational behavior. Base on this and pursuant to recent changes approved by the U.S. District Court in Coleman vs. Wilson, a Mental Health Assessment was not initiated. Consequently, a Staff Assistant was not deemed necessary.

Date of Discovery: 02/15/06.

Initial RVR copy issued on: 02/27/06.

Hearing started on: 04/16/06.

Last document issued to Inmate on: 02/27/06.

D.A. postponed date: N/A.

D.A. results issued date: N/A.

**Time Constraints:** Were not met pursuant to CCR §3320(b). The charge was not heard within 30 days from the date Inmate HOLLIS was provided with a copy of the CDC 115 form.

**Staff Assistant (SA):** Staff assistant was not assigned per CCR §3315 (d)(2)(A).

**Investigative Employee (IE):** Investigative Employee was not assigned per CCR §3315 (d)(1)(A)

D.A. Referral: N/A.

Evidence Requested or Used: N/A.

External/Outside Evidence: N/A.

Video Tape Evidence: N/A.

**Witness Requested:** No witnesses requested at the Hearing.

**Witness Testimony at Hearing:** N/A.

**Confidential Information:** N/A.

**Enemy Concerns:** N/A.

**Findings:** Inmate HOLLIS is found NOT GUILTY as charged. This finding is based upon the following preponderance of evidence:

1) The finding of NOT GUILTY was based on: Inmate has pending RVR for specific act, 'Willfully Obstructing A Peace Officer' that has not been adjudicated.

**Appeal Rights:** Inmate HOLLIS was advised of his rights to appeal and also the policy pursuant CCR §3084.1. Inmate HOLLIS was advised he will receive a completed copy of the RVR upon final audit by the Chief Disciplinary Officer.

INMATE COPY

N. Walker, Correctional Lieutenant

SIGNATURE OF WRITER <i>N. Walker</i>		DATE SIGNED <b>4/21/06</b>	
GIVEN BY: (Staff Signature) <i>K. B. Perry</i>		DATE SIGNED <b>530-06</b>	TIME SIGNED <b>1300</b>
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**SERIOUS RULES VIOLATION REPORT**

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	VIOLATED RULE NO(S) C.C.R. §3005(b)	DATE 02/15/06	INSTITUTION S/SP	LOG NO. FD-06-02-0041
-----------------------	-------------------------	--	------------------	---------------------	--------------------------

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO**POSTPONEMENT OF DISCIPLINARY HEARING**

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE N/A	DATE

**STAFF ASSISTANT**

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNMC 3315 (d)(2)(G)	

**INVESTIGATIVE EMPLOYEE**

INVESTIGATIVE EMPLOYEE <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNMC 3315 (d)(2)(G)	

EVIDENCE/INFORMATION REQUESTED BY INMATE:

None

**WITNESSES**

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)					
<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NONE	
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)		GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

INMATE COPY

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) 	INVESTIGATOR'S SIGNATURE 	DATE 2/27/06
--	-----------------------------	------------------------------	-----------------



## NOTICE OF ACTION

FACILITY D

Date: 04/16/06

To: Correctional Administrator, Complex II

Disciplinary Log Number FD-06-02-0041Inmate Name: HOLLIS CDC # E-37508☒ CDC 115 voided / dismissed (circle one) on this date: 04/16/06 for the following reasons: \_\_\_\_\_DISMISSED IN THE INTEREST OF JUSTICE.

(Disciplinary log must show this action as voided and include Facility Captain's signature)

☐ Reduce to CDC 128A or 128B (circle one) on \_\_\_\_\_ for the following reasons: \_\_\_\_\_

(Once it has been classified, this must be approved by Facility Captain's signature)

☐ Postponed Pending DA

Date referred to DA: \_\_\_\_\_

Incident Package #: \_\_\_\_\_

Date inmate signed postponement request: \_\_\_\_\_

DA contact date: \_\_\_\_\_ Current status: \_\_\_\_\_

DA contact date: \_\_\_\_\_ Current status: \_\_\_\_\_

(If the inmate does not request postponement in writing, there is no postponement)

☐ Inmate transferred to another institution

Name of institution: \_\_\_\_\_ Date of transfer: \_\_\_\_\_

Date memo sent to new institution requesting hearing: \_\_\_\_\_

Date follow up contact: \_\_\_\_\_ Name of contact: \_\_\_\_\_

Date follow up contact: \_\_\_\_\_ Name of contact: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Disciplinary Officer's Signature

Date

N. Walker

Facility Captain's Signature

Date

G. Lewis

Chief Disciplinary Officer's Signature

Date

D. Travers

State of California

Department of Corrections

## Memorandum

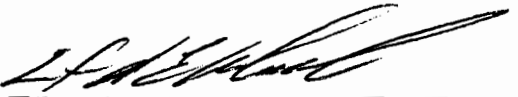
Date :04/16/06

To : Inmate Records  
Salinas Valley State Prison

Subject: Attention: Please pull 804 and all related information.  
Dismissal/Not Guilty finding in CDC-115 Disciplinary Hearing.

On 04/16/06, Inmate HOLLIS, E-37508 appeared before this Senior Hearing Officer for adjudication of CDC-115 Rules Violations Report Log #FD-06-02-0041. This inmate was found NOT GUILTY and all charges were dismissed. Please remove all documentation pertaining to the disciplinary report from this inmates Central File.

Pursuant to CCR §3326(a)(2), when an inmate is found not guilty of an act charged, or the charge is dismissed for any reason, the documents prepared for and used in the disciplinary process shall not be placed in any file pertaining to the inmate.

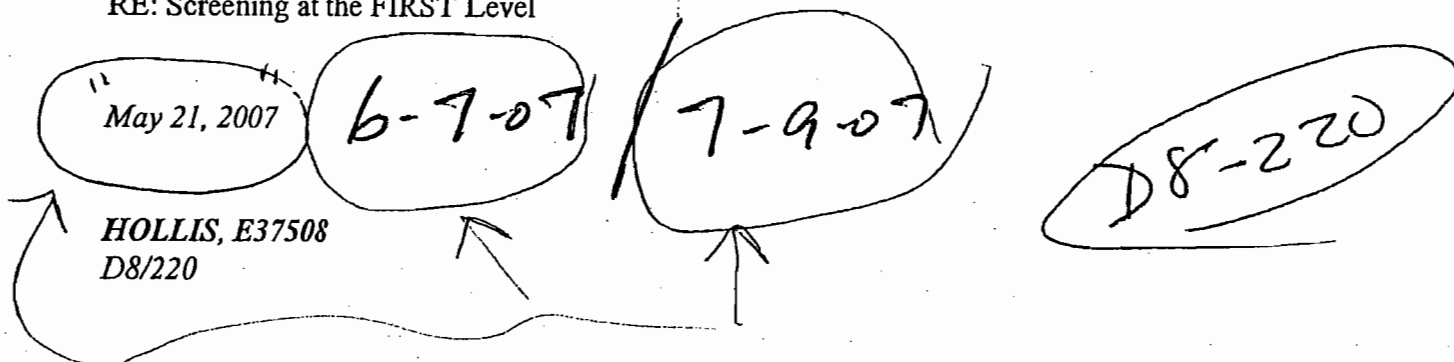


N. Walker  
Senior Hearing Officer  
Salinas Valley State Prison



State of California  
CDC FORM 695  
Screening For:  
CDC 602 Inmate/Parolee Appeals  
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level



Log Number: SVSP-D-

(Note: Log numbers are not assigned to screen out appeals or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

*You have failed to reasonably demonstrate that the issue you are appealing adversely affects your welfare, pursuant to CCR 3084.1(a).*

*The appellant is advised that the appeals process is not a rehearing of the disciplinary. The appeals process is a review to determine if all time constraints were met and if due process was maintained during the course of the disciplinary proceedings. The appellant has not presented any "new" evidence that was not available to him prior to his disciplinary hearing. A review of the RVR disposition shows that the appellant was afforded the opportunity to present an adequate defense and to call witnesses. The appellant's assertions are unsubstantiated by any evidence. There is no good reason to suspect that the staff reports were contrived or that the SHO had a predetermined belief of appellant's guilt. The appellant refused to attend the hearing.*

RET'D JUL 16 2007

Appeals Coordinator

DELIVERED JUL 13 2007

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE  
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
MARVIN HOLLIS	E-37508	*(SHU)*	D-8-220

A. Describe Problem: THIS COMPLAINT IS FILED AGAINST SALINAS VALLEY STATE PRISON CHIEF DISCIPLINARY OFFICER M.R. MOORE IV, SENIOR HEARING OFFICER T. SELBY, AND REPORTING EMPLOYEE J. BOHANIAN, I WAS CHARGED FOR VIOLATING CCR-3084(h) DISRESPECT OF STAFF. SERIOUS RULE VIOLATION. THE HEARING WAS NOT FAIR AND IMPARTIAL AND MY PROCEDURAL AND MY DUE PROCESS RIGHTS WAS VIOLATED. THE (SHU) ARBITRARILY FOUND ME GUILTY ON INACCURATE INFORMATION AND THE GUILTY FINDING WAS NOT BASED ON "SOME EVIDENCE". THE CHARGE WAS

If you need more space, attach one additional sheet.

\*(SEE ATTACHMENT)\*

B. Action Requested: THAT RVR#FD-03-0071 BE DISMISSED IN THE INTEREST OF JUSTICE PER CCR-3084.5(h) AND 3312 OR THAT THE RVR BE REDUCED AS A 128-A. THAT ALL LOSS TIME CREDITS, PRIVILEGES, AND LOSS OF GOOD CONDUCT CREDIT WHILE IN (SHU) TO BE RESTORED PER D.P.M. 54100-18.3. ALLOWED TO ENACT MY ADMINISTRATIVE REMEDY.

Inmate/Parolee Signature: MARVIN HOLLISDate Submitted: 5-17-07

RE'D JUL 02 2007

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

DELIVERED JUN 05 2007

Staff Response: \_\_\_\_\_

RECEIVED JUN 07 2007

RE'D JUL 16 2007

DELIVERED JUL 30 2007

RECEIVED JUL 17 2007

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: \_\_\_\_\_

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: \_\_\_\_\_

Board of Control form BC-1E, Inmate Claim



RECEIVED MAY 18 2007



804 to Records:  
STATE OF CALIFORNIA

Date: 4/1/07

Dental copy

DB 720

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	RELEASE/BOARD DATE ME PD 7/2/2008	INST. SVSP	HOUSING NO. D8-220	LOG NO. ED-07-03-0071
VIOLATED RULE NO(S). CCR §3004(b)		SPECIFIC ACTS DISRESPECT OF STAFF	LOCATION D8-'B' Pod	DATE 03/26/07	TIME 1215 hours

## CIRCUMSTANCES

On 03/26/07, while performing my duties as the Dental Officer on D-Facility. I went up to Inmate HOLLIS (E-37508) cell D8-220 to get him for dental, he stated "I'm not ready." I informed him he had a few minutes to get ready, because he was already given a warning. He then stated, "That's why stupid motherfucker's like you get written up." I said, "What did you say," and he said "You heard me you bitch." So I informed him that he was not going to dental, because of his hostile behavior and language. He then stated, "I'm going back to G-Yard soon and I better not see you over there." This concludes my report.

Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCMS level of care.

REPORTING EMPLOYEE (Typed Name and Signature) J. Bohanan, Correctional Officer		DATE 4/1/07	ASSIGNMENT D-Dental Officer	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE		DATE 4/1/07	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: F	DATE 4/1/07	CLASSIFIED BY (Typed Name and Signature) D. B. [Signature]	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING				
<input type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE)	DATE 4/1/07	TIME 1:20	TITLE OF SUPPLEMENT 220
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE) [Signature]

## HEARING

**Plea:** Inmate HOLLIS refused to attend this CDCR-115 hearing. The SHO proceeded with the hearing, entering a plea of **NOT GUILTY** on the Inmate's behalf.

**Findings:** Inmate HOLLIS was found **GUILTY** of CCR §3004(b), specifically "Disrespect Of Staff," a Division "F(3)" offense. His finding is based on the preponderance of evidence presented at the hearing which does substantiate the charge. The evidence presented at the hearing included: (Findings Can't See CDCR-115C)

**Disposition:** Inmate HOLLIS was assessed 30 days forfeiture of credits in accordance with a Division "F(3)" offense per CCR §3323(h)(3). Inmate HOLLIS was counseled, warned, and reprimanded.

**Additional Disposition:** Inmate HOLLIS was assessed 30 days loss of privileges to begin on 05/03/07 through 05/02/07. Loss of privileges includes: Ten Days Loss Of Ad-Seg Yard Access, Family Visits, Telephone, Canteen Draw, Quarterly Package and Special Purchase.

**Classification Referral:** N/A.

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME) T. Selby, Correctional Lieutenant		SIGNATURE [Signature]	DATE 05/02/07	TIME 0915
VIEWED BY: (SIGNATURE) B. Rankin, Facility Captain		DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE M. P. Moore III, CDO	DATE 5-1-07
BY: (STAFF'S SIGNATURE) [Signature]		DATE 5/1/07	TIME 1000	

1 COPY OF CDC 115 GIVEN INMATE AFTER HEARING

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER <b>E-37508</b>	INMATE'S NAME <b>HOLLIS</b>	LOG NUMBER <b>FD-07-03-0071</b>	INSTITUTION <b>SWSP</b>	TODAY'S DATE <b>05/02/07</b>
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

Hearing Date: 05/02/07.

Time: 0915 hours.

Any Postponement Explained: N/A.

**Inmate Plea and Statement:** Inmate HOLLIS refused to attend this CDCR-115 hearing. The SHD proceeded with the hearing, entering a plea of NOT GUILTY on the Inmate's behalf.

**Inmate's Health:** Inmate HOLLIS refused to attend this hearing. Inmate was given an opportunity to attend, however, elected not to participate as observed and witnessed by Correctional Officers T. Bryant and R. Phillips. Inmate appears to be in good health as observed by this SHD and witnessed by Correctional Officers T. Bryant and R. Phillips. The SHD elected to proceed with this disciplinary process. (See attached CDCR-1288)

**HSOS:** Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibit any bizarre behavior that would raise concerns about his mental health. Inmate HOLLIS refused to attend the hearing, however, at call front, Inmate HOLLIS did not demonstrate any strange, bizarre, or irrational behavior as observed and witnessed by this SHD.

**IE PROCESS:** Date of Discovery: 03/26/07.

Initial RVR copy served on: 04/04/07.

Incident Package served on: N/A.

D.A. results issued date: N/A.

Hearing started on: 05/02/07.

CDCR-115-MH served on: N/A.

I.E. document served on: 05/01/07.

Last document served on: 05/01/07.

**L.A. Referral:** This matter was not referred to the Monterey County District Attorney's Office.

**Time Constraints:** All time constraints have been met pursuant to CCR §3320(b). Inmate HOLLIS was provided a copy of the CDCR-115 within 15 days after the discovery of information leading to the charges. Hearing was held within 30 days of the date the inmate was provided a copy of the CDCR-115. Inmate HOLLIS received all documents used for this hearing 4 hours prior to the hearing.

**AFE Scores:** Inmate HOLLIS TAFE Reading Score was Above 4.0 as noted in the Central File.

**Staff Assistant (SA):** Staff assistant was not assigned per CCR §3315 (d)(2)(A).

**Investigative Employee (IE):** Inmate HOLLIS requested and does meet the criteria for assignment of an Investigative employee. Correctional Officer S. Celaya was assigned. Officer S. Celaya interviewed Inmate HOLLIS as part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate HOLLIS and follow up questions posed by I.E. for clarification purposes. Officer S. Celaya prepared her report, to include her summation of the facts, and provided a copy of the report to Inmate HOLLIS more than 24 hours prior to this hearing.


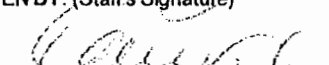
**Evidence Requested or Used:** There was no evidence requested or used.

**Central/Outside Evidence:** N/A.

**Video Tape Evidence:** N/A.

T. Selby, Correctional Lieutenant

(DISPO CAN'T SEE CDCR-115C PAGE 2)

SIGNATURE OF WRITER 		DATE SIGNED 05/02/07	
GIVEN BY: (Staff's Signature) 		DATE SIGNED 05/02/07	TIME SIGNED 1:00



COPY OF CDC 115-C GIVEN TO INMATE



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-03-0071	INSTITUTION SVSP	TODAY'S DATE 05/02/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

Witness Requested: Inmate HOLLIS did not request witnesses to be present at the hearing.) \*

Witness Testimony at Hearing: N/A.) \*

Confidential Information: N/A.

Enemy Concerns: There was no enemy concerns related with this disciplinary hearing.

Findings: Inmate HOLLIS is found GUILTY as charged. This finding is based upon the following preponderance of evidence:

1) RVR Log #FD-07-03-0071, authored by Reporting Employee (R.E.) Correctional Officer R.E.XXX, which states in part:

"I went up to Inmate HOLLIS (E-37508) cell D8-220 to get him for dental, he stated 'I'm not ready.' I informed him he had a few minutes to get ready, because he was already given a warning. He then stated, 'That's why stupid motherfucker's like you get written up.' I said, 'What did you say,' and he said 'You heard me you bitch.' I informed him that he was not going to dental, because of his hostile behavior and language. He then stated, 'I'm going back to C-Yard soon and I better not see you over there.'"

2) Inmate HOLLIS failed to present a defense to the charges at the hearing.

CONCLUSION: Based on the aforementioned facts, this SLD finds the preponderance of the evidence relied upon has been met to render and sustain a finding of Guilt on the charged offense of Inmate HOLLIS violating COR §3004(b); specifically, "Disrespect Of Staff," a Division "E(3)" offense per COR §3323 (h)(3).

Appeal Rights: Inmate HOLLIS was advised of his rights to appeal per COR section §3084.1 (a). Inmate HOLLIS was informed he would receive a copy of the completed RVR upon final review of the Chief Disciplinary Officer. Inmate HOLLIS was further advised of credit restoration per COR §3327 and §3328.

"-Traverse"

NO TESTIMONY FROM ANY WITNESSES  
NO EVIDENCE

T. Selby, Correctional Lieutenant

SIGNATURE OF WRITER <i>T. Selby</i>		DATE SIGNED 05/02/07	
GIVEN BY: (Staff's Signature) <i>[Signature]</i>		DATE SIGNED 5/1/07	TIME SIGNED 1:00
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE \_\_\_\_ OF \_\_\_\_

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-03-0071	INSTITUTION SVSP	TODAY'S DATE 04/18/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 04/18/07, I, Correctional Officer I.E. S. Celaya, was assigned as Investigative Employee for CDCR-115, Log# FD-03-0071. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder or the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

**INMATE'S STATEMENT:** On 04/18/07, I interviewed Inmate HOLLIS (E-37508) regarding the disciplinary charges, and Inmate HOLLIS made the following statement: "I requested to be found not guilty in the interest of justice. Correctional Officer J. Bohanan falsely charged me for rule violation in retaliation and reprisal for my prior use of the (CDCR) 2 grievance procedure and exercising my First Amendment Constitutional right. The retaliation and reprisal did not serve any penological interest or institutional goal. This (RVR) was falsely generated in an attempt to cover up or stifle Correctional Officer Bohanan unlawful interference with my scheduled dental appointment which cause unnecessary delay. There was no legitimate reason why Correctional Officer Bohanan canceled my scheduled dental appointment other than his personal animosity towards me. I request to be provided with a fair and impartial hearing."

**HEARING EMPLOYEE'S STATEMENT:** On 04/18/07, I interviewed Correctional Officer J. Bohanan, regarding Inmate HOLLIS disciplinary charges, and Officer J. Bohanan, made the following statement: "See (RVR) report."

**INVESTIGATIVE EMPLOYEE'S STATEMENT:** On 04/18/07, I, Correctional Officer I.E. S. Celaya, made the following statement: "Interviewed all Staff and Inmate HOLLIS concerning this RVR".

Inmate HOLLIS requested the following witnesses and evidences to be present at the disciplinary hearing. ) \*

NAME	POSITION	REQ'D'S
Correctional Bohanan	Medical Officer	S/S
Dental Assistant's Staff		
ASU Sergeant		
E. Officer S. Celaya	D-Recr.	Th/F

**REQUESTED EVIDENCE:** All (CDCR) 602 complaints filed against D-Dental Officer and Staff for 2007, copy of the (ASU) signed in log dated 03/26/07 of Correctional Officer J. Bohanan entry into (ASU) and release from (ASU), and my alleged fiscal forms generated for 03/26/07 of my scheduled dental appointment cancellation or 128-B's.

Inmate request denied due to confidentiality. ) \*

*(I.E.) acted as hearing officer denying me the opportunity to present documented mitigating evidence or evidence to prove my innocence.*

S. Celaya, Correctional Officer

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER: <i>S. Celaya</i>		DATE SIGNED 4-25-07
	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 5-1-07	TIME SIGNED 0900

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## SERIOUS RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	VIOLATED RULE NO(S) C.C.R. §3004(b)	DATE 03/26/07	INSTITUTION SVSP	LOG NO. FD-07-03-0071
-----------------------	-------------------------	--	------------------	---------------------	--------------------------

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

## POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE N/A	DATE

## STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DPMC per Title 15 TAB E 8.0	

## INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
<input checked="" type="checkbox"/> ASSIGNED	DATE 4-18-07	NAME OF STAFF S. Celaya
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DPMC per Title 15	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

## WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)			
<input checked="" type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input checked="" type="checkbox"/> NONE
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)		WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	
GRANTED <input type="checkbox"/>	NOT GRANTED <input type="checkbox"/>	GRANTED <input type="checkbox"/>	NOT GRANTED <input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

(I.E. CAN'T SEE CDC-115-C)

S. Celaya, Correctional Officer

INVESTIGATOR'S SIGNATURE	DATE
BY: (STAFF'S SIGNATURE)	TIME 1100
COPY OF CDC 115-A GIVEN INMATE	DATE 4-11-07



"Request" \* (SVSP-D-07-02490) \*  
6-5-07

TO: APPEALS COORDINATOR

FROM: HOLLIS, E. 37508 D-8-220

RE: "CHALLENGE TO SCREENING FORM"

\* (D.O.M. 54100.18 3 P.C. 2932(d)) \*

THE SCREENING FORM IS INACCURATE. I WAS DENIED WITNESSES AND MY DUE PROCESS WAS VIOLATED. PER PENAL CODE 2932(d) I HAVE A RIGHT TO APPEAL THE GUILTY FINDING. PER D.O.M. 54100.18 I HAVE A RIGHT TO APPEAL THE GUILTY FINDING. THE SCREENING FORM WAS GENERATED IN CONTINUED HARASSMENT AND RETALIATION FOR MY PRIOR USE OF THE GRIEVANCE PROCEDURE AND BEING A JAILHOUSE LAWYER. THE APPEALS COORDINATOR IS INTENTIONALLY NEGLECTED THEIR DUTY TO ASSIGN MY DISCIPLINARY APPEALS IN ACCORDANCE TO THE LAW AND (COC3R) RULES. I SUFFERED A LOSS OF GOOD TIME CREDITS AND PRIVILEGES. I HAVE A RIGHT TO HAVE THE REPORTING EMPLOYEE PRESENT AT MY HEARING AND HAVE A FAIR AND IMPARTIAL HEARING. IS MY APPEAL REJECTED OR CANCELLED OR HOW CAN I EXHAUST MY ADMINISTRATIVE REMEDY TO THE ISSUE RAISED? HOW CAN I COMPLY FOR ASSIGNMENT? THIS IS ALSO NOTICE THAT A TEMPORARY RESTRAINING ORDER WILL BE FILED IN CASE NO. HC5711 IF YOU CONTINUE TO HARASS ME AND RETALIATE AGAINST BY REFUSING TO ASSIGN MY DISCIPLINARY APPEALS PER THE LAW. (MY (SHU) TERM) \*  
WAS EXTENDED ON 5-17-07 DUE TO THIS RVR WHICH IS A ADVERSE EFFECT. I CONTINUE TO SUFFER THE ADVERSE EFFECT.

request

7-2-07

TO: APPEALS COORDINATOR, SHERIDEN

FROM: HOLLIS, E-37508

D-8-220

THE SCREENING FORM IS INACCURATE. PER D.O.M.  
54600.18 AND PENAL CODE SECTION 29321(d)  
I HAVE THE RIGHT TO APPEAL THE GUILTY FINDING.  
IS MY APPEAL CANCELLED OR REJECTED OR  
HOW CAN I EXHAUST MY ADMINISTRATIVE  
REMEDY?

I SUFFERED A LOSS OF GOOD TIME CREDITS AND  
PRIVILEGES WHICH IS A ADVERSE EFFECT.

WHAT ARE THE INSTRUCTIONS I NEED TO FOLLOW TO  
GET MY APPEAL ASSIGNED? I WAS TOLD BY  
CAPTAIN RANKIN TO USE THE APPEALS PROCESS.



ANAKIN HILL, E3768  
SALINAS VALLEY STATE PRISON  
P.O. BOX 10550, D-8226  
SOLICIA, CALIF, 95760

STATE PRISON  
GENERATED MAIL

NO RESPONSE  
VERA'S HILL

MR. M. EVANS, WARDEN  
SALINAS VALLEY STATE PRISON  
31625 Highway 101  
SOLICIA, CALIF, 95760



INMATE: Hollis CDC #: E-37508 CDC HOUSING: D8-220

THIS IS NOT AN APPEAL RESPONSE – THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.

**YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):**

- |  |  |
|--|--|
| <input type="checkbox"/> Duplicate Appeal; Same Issue                          | <input type="checkbox"/> Limit of One Continuation Page May Be Attached  |
| <input type="checkbox"/> Do Not Combine Staff Complaints with Other Issues     | <input type="checkbox"/> Inappropriate Statements  |
| <input type="checkbox"/> Time Constraints Not Met                              | <input type="checkbox"/> Action / Decision Not Taken By CDCR   |
| <input type="checkbox"/> Cannot Submit On Behalf Of another Inmate             | <input type="checkbox"/> DRB Decisions Are Not Appealable  |
| <input checked="" type="checkbox"/> No Significant Adverse Effect Demonstrated | <input type="checkbox"/> Appealing Action Not Yet Taken  |
| <input type="checkbox"/> Pointless Verbiage/Appeal is vague                    | <input type="checkbox"/> May Submit One (1) Non-Emergency Appeal Per Week  |
| <input type="checkbox"/> Incomplete 602  | <input type="checkbox"/> Not A Request Form; Use CDCR-7362 – to access Medical Services, submit your request on a CDCR-Form 7362. If necessary, sign up for sick call. |
| <input type="checkbox"/> Attempting to Change Original Appeal Issue            | <input type="checkbox"/> Write your appeal in black or blue ink, this is a legal document and pencil/inks other than black or blue do not copy legibly                 |
| <input type="checkbox"/> Not Authorized to Bypass Any Level                    |  |
| <input type="checkbox"/> Request for Interview; Not an Appeal                  |  |
| <input type="checkbox"/> Numerous and separate issues                          |  |

**PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS**

Comments: You may write on back of this form to clarify or respond to the above.

*no due process/procedural errors/your statements refuted by RVR.*  
*• Appellant refused to attend hearing.*  
*• preponderance of evidence noted by SHD*  
*• D8-219 is typo i had no bearing on hearing.*  
*• your attempts to make this a racial issue has no bearing. The RVR clearly indicates you refused all cellmates by stating "I ain't taking no cellie" "they f--- with me, I'll f--- with them."*

  
 Eloy Medina, CC-II  
 Appeals Coordinator

Date: 4/4/07

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper, or use the back of this screen out – do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

**PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE**

REQUEST  
0

(D)

#1

4-22-07

TO: APPEALS COORDINATORS &amp; WARDEN

FROM: HOLLIS, E-37508

D-8-220

RE: "CHALLENGE TO SCREENING FORM"

\* (INAPPROPRIATE SCREENING OF MY APPEAL) \*  
\*(3004(2))\*

SIR, THE SCREENING FORM IS INACCURATE. I SUFFERED LOSS OF good time credits and privileges which is a adverse effect. THE (SHO) ADVISED ME AT MY CELL door that I HAVE A RIGHT TO APPEAL her disposition AND FINDINGS. THE body OF THE (RVR) CLEARLY AND COMPREHENSIVELY stated I REFUSED TO ACCEPT A INMATE ASSIGNED TO D-8-219 WHICH THE REPORTING EMPLOYEE SIGNED AS A TRUE AND CORRECT REPORT. THE (SHO) HAD A PREDETERMINED BELIEF AND DENIED ME MY RIGHT TO ATTEND THE HEARING WHICH A SIGNED "WAIVER" WAS REQUIRED. HOW CAN I EXHAUST MY ADMINISTRATIVE REMEDY TO THE ISSUE RAISED IN MY APPEAL? IS MY APPEAL REJECTED OR CANCELLED? HOW DID YOU COME TO YOUR PERSONAL CONCLUSIONS WITHOUT A INVESTIGATION TO THE ISSUE I RAISED? PLEASE REVIEW CCR.3084.51.113(2) FOR PROCEDURAL AND due PROCESS VIOLATIONS  
\*(OVER ON BACK)\*  
THANK YOU!



INMATE/PAROLEE  
APPEAL FORM  
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. SVSPD1. 07-01510

2. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

DIVD

FD-07-02-0084

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
MARVIN HOLLIS	E-37508	*ACI-SEG*	D-8-220

A. Describe Problem: THIS COMPLAINT IS FILED AGAINST SALINAS VALLEY STATE PRISON (CDD) M.P. MOORE, (SHO) R.A. BORCILLA, AND SGT. R. NAVA. ON 3-21-07 I WAS DENIED A FAIR AND IMPARTIAL HEARING TO RVR#FD-07-02-0084 AND PROCEDURAL AND MY DUE PROCESS RIGHTS WAS VIOLATED. I WAS DENIED THE OPPORTUNITY TO BE PRESENT AT MY HEARING AND I DID NOT SIGN A WAIVER NOR IS THERE A WAIVER IN MY CENTRAL FILE INDICATING THAT I REFUSED TO SIGN A WAIVER WHICH IS IN VIOLATION OF CCR. 3320(9)(3).

If you need more space, attach one additional sheet.

\*(SEE ATTACHMENT)\*

B. Action Requested: FOR RVR#FD-07-02-0084 TO BE DISMISSED IN THE INTEREST OF JUSTICE OR ORDERED TO BE REISSUED/REHEARD PER CCR. 3084.5 (h)(1) & (2). THAT ALL LOSS TIME CREDITS AND PRIVILEGES BE RESTORED RELATED TO RVR#FD-07-02-0084, STOP SEGREGATING

Inmate/Parolee Signature: MARVIN H. HOLLIS BY RACE Date Submitted: 4-2-07

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

BYPASS

RECEIVED  
AUG 22 2007  
INMATE APPEALS  
BRANCH

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: \_\_\_\_\_

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: \_\_\_\_\_

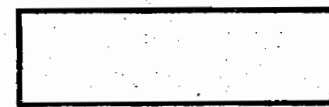
Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: \_\_\_\_\_

BYPASS

4/11/07  
rejected by Haring Authority  
as staff complaint





\*(CONTINUED FROM SECTION (A) 3(B))\*

THE (SHO) ARBITRARILY FOUND ME GUILTY AND HER DECISION HAD NO BASIS IN FACT. THE HEARING WAS UNCONSTITUTIONAL AND ONE SIDED. NONE OF MY RELEVANT EVIDENCE, STATEMENTS TO THE INVESTIGATING EMPLOYEE, OR MITIGATING INFORMATION WAS CONSIDERED BY THE (SHO) AT MY HEARING. THE (SHO) HAD A PREDETERMINED BELIEF OF ME BEING GUILTY AND HER ARBITRARY GUILTY FINDING WAS BASED ON PERSONAL ANIMOSITY DUE TO HER BEING A DEFENDANT IN ONE OF MY CIVIL ACTIONS CASE # M71739. PER CCR 3320 (H); STAFF WHO OBSERVED, REPORTED, CLASSIFIED SUPPLIED SUPPLEMENTAL REPORTS TO, OR INVESTIGATED THE ALLEGED RULE VIOLATION, WHO ASSISTED THE INMATE IN PREPARING FOR THE HEARING; OR FOR ANY OTHER RCA HAVE A PREDETERMINED BELIEF OF THE INMATE'S GUILT OR INNOCENCE SHALL NOT HEAR THE CHARGES OR BE PRESENT DURING DELIBERATION TO DETERMINE GUILT OR INNOCENCE AND DISPOSITION OF THE CHARGES. THE REPORTING EMPLOYEE WAS DISHONEST IN HER REPORT AND APPEARED TO RACIALLY DISCRIMINATE BY ENFORCING SEGREGATION BY FORCING ONLY AFRICAN AMERICAN PRISONERS TO CELL UP. ALTHOUGH THERE WAS NEVER AN INMATE ~~BARNETT~~ BARNETT T-38323, ASSIGNED TO D-8-218 IT'S CLEAR FROM SGT. NAVA, WRITTEN REPORT SHE SEGREGATES BY RACE WHICH IS A VIOLATION OF CLEARLY ESTABLISHED FEDERAL LAW. RECORDS WILL SHOW NO INMATE BARNETT WAS EVER ASSIGNED TO D-8-219 WHICH CLEARLY SHOWS SGT. NAVA, LIED IN HER REPORT AND TO THE (SHO) AT THE HEARING. \*(OVER ON BACK)\*

(C)

SUM-100

**SUMMONS**  
**(CITACION JUDICIAL)****NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO)**

A.A. Lamarque; R. Boccella; R. Reynaga; J. Crabtree

Does 1 to 4

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
Marvin Glenn HollisFOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**FILED**

JAN 23 2006

LISA M. GALDOS  
CLERK OF THE SUPERIOR COURT  
J. RODRIGUEZ DEPUTY

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

**Tiene 30 DÍAS DE CALENDARIO** después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of Monterey  
1200 Aguajito Rd.,  
Monterey, CA 93940CASE NUMBER:  
(Número del Caso):

M71739

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Marvin Glenn Hollis, E-37508

P.O. Box 1060, D-5-207 Soledad, CA 93960

J. RODRIGUEZ

DATE:

(Fecha)

JAN 23 2006

LISA M. GALDOS

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
- ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
- ☐ other (specify):
4. ☐ by personal delivery on (date):

Page 1 of 1



to Records: \_\_\_\_\_ Date: \_\_\_\_\_  
 STATE OF CALIFORNIA  
**RULES VIOLATION REPORT**

DEPARTMENT OF CORRECTION

CDC NUMBER <b>E-37508</b>	INMATE'S NAME <b>HOLLIS</b>	RELEASE/BOARD DATE <b>EARL</b>	INST. <b>SVSP</b>	HOUSING NO. <b>D8-113</b>	LOG NO. <b>ED-07-02-00</b>
VIOLATED RULE NO.(S) <b>CCR §3005(b)</b>		SPECIFIC ACTS <b>WILLFULLY OBSTRUCTING A P.O./CELLMATE</b>	LOCATION <b>D8-B Rd</b>	DATE <b>02/21/07</b>	TIME <b>1545 hours</b>

**CIRCUMSTANCES**  
 On 02/21/07, at approximately 1545 hours, while I was assigned as D-8 Ad-Seg Sergeant, I notified Inmate HOLLIS (E-37508, D8-113) that he was expected to and would be receiving a compatible cellmate. Inmate HOLLIS refused to accept a compatible cellmate by stating, "I already told Committee that I wasn't accepting a cellie. They fuck with me, I'll fuck with them." I notified Inmate HOLLIS that he was in violation of Title 15, CCR §3005(b) and O.P. #42. The need for housing in Ad-Seg is high and his refusal to accept a compatible cellmate would obstruct the program in D-8 Ad-Seg. A review of Inmate HOLLIS CCR-114-D indicated that he was Double Cell Approved by Captain B. Rankin on 12/02/06. I again notified Inmate HOLLIS that he was expected to and would be receiving a compatible cellmate. Inmate HOLLIS refused again by stating, "I ain't taking no cellie." I was attempting to cell Inmate HOLLIS with Inmate BARNETT (T-38323, D8-219). Neither Inmate is listed on the others CCR-812, both Inmates are Black Non-Affiliates and Double Cell approved. Inmate HOLLIS continued to refuse to accept ~~any~~ the compatible cellmates. Inmate HOLLIS has received multiple CCR-115's for this same behavior on 02/15/06 and 07/24/06 for Willfully Obstructing a Peace Officer/Cellmate. Inmate HOLLIS was found Guilty in both cases. Inmate HOLLIS is aware of this report. Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCRS level of care.

REPORTING EMPLOYEE (Typed Name and Signature) <b>R. Nava, Correctional Sergeant</b>	DATE <b>2-25-07</b>	ASSIGNMENT <b>D-8 ASU Sergeant</b>	RDO'S <b>F/S</b>
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REVIEWING SUPERVISOR'S SIGNATURE <b>[Signature]</b>	DATE <b>2/25/07</b>	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING
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CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: <b>D</b>	DATE <b>2/21/07</b>	CLASSIFIED BY (Typed Name and Signature) <b>R. Nava</b>	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FY
--	-------------------------------	------------------------	--	--

## COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>	DATE <b>2/21/07</b>	TIME <b>1150</b>	TITLE OF SUPPLEMENT <b>W.F.</b>
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>	DATE <b>2/21/07</b>	TIME <b>1150</b>	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>

**HEARING**  
**Plan:** Inmate HOLLIS refused to attend this CCR-115 hearing. The SHO proceeded with the hearing, entering a plan of **NOT GUILTY** on the Inmate's behalf.

**Findings:** Inmate HOLLIS was found **GUILTY** of CCR §3005(b), specifically "Willfully Obstructing A Peace Officer," Division "D(6)" offense. This finding is based on the preponderance of evidence presented at the hearing which do substantiate the charge. The evidence presented at the hearing included: (Findings Can't See CCR-115C)

**Disposition:** Inmate HOLLIS was assessed 90 days forfeiture of credits in accordance with a Division "D(6)" offense per CCR §3323(F)(6). Inmate HOLLIS was counseled, warned, and reprimanded. \*

**Additional Disposition:** Inmate HOLLIS was assessed 90 days loss of privileges to begin on 03/22/07 through 06/21/07. Loss of privileges includes: Ten Days Loss Of Yard (From 03/22/07 through 03/31/07), Family Visits, Telephone, 1/2 Center Down, Quarterly Package and Special Purchase.

**Classification Referral:** N/A. Refer to IOC for Program Review and 'C' status placement. \*

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	ACTION BY: (TYPED NAME) <b>R.A. Boccella, Correctional Lieutenant</b>		SIGNATURE <b>[Signature]</b>	DATE <b>03/21/07</b>	TIME <b>0915</b>
REVIEWED BY: (SIGNATURE) <b>B. Rankin, Facility Captain</b>	DATE <b>3/21/07</b>	CHIEF DISCIPLINARY OFFICER'S SIGNATURE <b>M. P. Moore III, CDO</b>	DATE <b>3/21/07</b>	TIME <b>1150</b>	
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>	DATE <b>3/21/07</b>	TIME <b>1150</b>		



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTION

## RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER PD-07-02-0084	INSTITUTION SVSP	TODAY'S DATE 03/21/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

Hearing Date: 03/21/07.

Time: 0915 hours.

Any Postponement Explained: N/A.

**Inmate Plea and Statement:** Inmate HOLLIS refused to attend this CDCR-115 hearing. The S/D proceeded with the hearing entering a plea of NOT GUILTY on the Inmate's behalf.

**Inmate's Health:** Inmate HOLLIS refused to attend this hearing. Inmate was given an opportunity to attend, however elected not to participate, stated to Correctional Officers D. Ramos and Tran "I am cool." Inmate appears to be in good health as observed by this S/D and witnessed by Officers D. Ramos and Tran. The S/D elected to proceed with the disciplinary process (See attached CDCR-1288).

**MHSUS:** Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the CCOMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibit any bizarre behavior that would raise concerns about his mental health. At the hearing, Inmate HOLLIS did not demonstrate any strange, bizarre, or irrational behavior.

**DUE PROCESS:** Date of Discovery: 02/21/07.

Initial RVR copy served on: 02/25/07.

Incident Package served on: N/A.

D.A. results issued date: N/A.

Hearing started on: 03/21/07.

CDCR-115-MH served on: N/A.

I.E. document served on: 02/27/07.

Last document served on: 02/27/07.

**D.A. Referral:** This matter was not referred to the Monterey County District Attorney's Office.

**Time Constraints:** All time constraints have been met pursuant to CCR §3320(b). Inmate HOLLIS was provided a copy of the CDCR-115 within 15 days after the discovery of information leading to the charges. Hearing was held within 30 days of the date the inmate was provided a copy of the CDCR-115. Inmate HOLLIS received all documents used for this hearing 24 hours prior to the hearing.

**TABE Score:** Inmate HOLLIS TABE Reading Score was Above 4.0 as noted in the Central File.

**Staff Assistant (SA):** Staff assistant was not assigned per CCR §3315 (d)(2)(A). Due to Inmate HOLLIS's refusal to attend and/or participate in this RVR hearing, Officer D. Ramos will later inform Inmate HOLLIS of the results/outcome of the Disposition.

**Investigative Employee (IE):** Inmate HOLLIS requested and does meet the criteria for assignment of an Investigative Employee. Correctional Officer J. Spaulding was assigned. Officer J. Spaulding interviewed Inmate HOLLIS as part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate HOLLIS and follow up questions posed by I.E. for clarification purposes. Officer J. Spaulding prepared his report to include his summation of the facts, and provided a copy of the report to Inmate HOLLIS more than 24 hours prior to this hearing.

**Evidence Requested or Used:** Inmate HOLLIS requested the CDCR-1892 and CDCR-154 as evidence to be present at the hearing. S/D Denied, there was none generated. Inmate HOLLIS refused to ever exit his cell to talk to several inmates that were compatible.

R.A. Boccella, Correctional Lieutenant

(DISPO CON'T SEE CDCR-115C PAGE 2)

SIGNATURE OF WRITER <i>R.A. Boccella</i>		DATE SIGNED 03/21/07	
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>R.A. Boccella</i>	DATE SIGNED 3/21/07	TIME SIGNED 1400

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTION

## RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-02-0084	INSTITUTION SVSP	TODAY'S DATE 03/21/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

External/Outside Evidence: N/A. Video Tape Evidence: N/A. Confidential Information: N/A.

Witness Requested: Inmate HOLLIS did request Reporting Employee Sergeant R. Nava as witness to be present at the hearing; S/D Granted.

Witness Testimony at Hearing: Reporting Employee Sergeant R. Nava stated at the hearing that "Inmate HOLLIS refuse to submit to cuffs to even talk to anyone. There was no CCR-1882 and CCR-154 because Inmate HOLLIS refused to accept any cellie, before I could not initiate move and forms."

Enemy Concerns: There was no enemy concerns related with this disciplinary hearing.

Findings: Inmate HOLLIS is found GUILTY as charged. This finding is based upon the following preponderance of evidence:

1) RVR Log #FD-07-02-0084, authored by Reporting Employee (R.E.) Correctional Sergeant R. Nava:

- a) Reporting Employee Sergeant R. Nava informed Inmate HOLLIS (E-37508) that he was expected to and would be receiving a compatible cellmate per O.P. #42 signed by the Warden.
- b) Sergeant R. Nava was an eyewitness to Inmate HOLLIS refusing to accept a compatible cellmate, by stating "I already told Committee that I wasn't accepting a cellie. They fuck with me, I'll fuck with them."
- c) Sergeant R. Nava informed Inmate HOLLIS that his excuses were not acceptable, Inmate HOLLIS refused again, stating "I ain't taking no cellie."
- d) A review of Inmate HOLLIS CCR-1140 indicated that he was double cell approved by Captain B. Rankin on 12/02/06.
- e) Sergeant R. Nava was attempting to house Inmate HOLLIS with Inmate BARNETT (T-38323).

2) Inmate HOLLIS failed to provide a defense to the charges on his behalf. \*

CONCLUSION: Based on the aforementioned facts, this S/D finds the preponderance of the evidence relied upon has been met to render and sustain a finding of Guilt on the charged offense of Inmate HOLLIS violating CCR §3005(b), specifically, "Willfully Obstructing A Peace Officer," a Division "D(6)" offense per CCR §3323(f)(6).

Appeal Rights: Inmate HOLLIS was advised of his rights to appeal per CCR section §3084.1 (a). Inmate HOLLIS was informed he would receive a copy of the completed RVR upon final review of the Chief Disciplinary Officer. Inmate HOLLIS was further advised of credit restoration per CCR §3327 and §3328.

R.A. Boccella, Correctional Lieutenant

SIGNATURE OF WRITER <i>R.A. Boccella</i>		DATE SIGNED 03/21/07	
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 3/21/07	TIME SIGNED 2:10

**SERIOUS RULES VIOLATION REPORT**

CDC NUMBER <b>E-37508</b>	INMATE'S NAME <b>HOLLIS</b>	VIOLATED RULE NO(S) <b>C.C.R. §3005(b)</b>	DATE <b>02/21/07</b>	INSTITUTION <b>SVSP</b>	LOG NO. <b>FD-07-02-0084</b>
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

**POSTPONEMENT OF DISCIPLINARY HEARING**

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ <b>N/A</b>	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ <b>N/A</b>	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION <b>N/A</b>	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ▶ <b>N/A</b>	DATE

**STAFF ASSISTANT**

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON <b>DNMC per Title 15, Sec. 3315 - GPL: 8</b>	

**INVESTIGATIVE EMPLOYEE**

INVESTIGATIVE EMPLOYEE <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input checked="" type="checkbox"/> ASSIGNED	DATE <b>2-26-07</b>	NAME OF STAFF <b>J. Spaulding</b>
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON <b>DNMC per Title 15, Sec. 3315</b>	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

**None**

**WITNESSES**

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☒ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, document the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

(I.E. CAN'T SEE CDC-115-C)

**J. Spaulding, Correctional Officer**

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ▶ <b>J. Celaya</b>	TIME <b>1150</b>	DATE <b>2/25/07</b>
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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTION

## RULES VIOLATION REPORT - PART C

PAGE \_\_\_ OF \_\_\_

CDC NUMBER <b>E-37508</b>	INMATE'S NAME <b>HOLLIS</b>	LOG NUMBER <b>FD-07-02-0084</b>	INSTITUTION <b>SVSP</b>	TODAY'S DATE <b>02/26/07</b>
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 02/26/07, I, Correctional Officer J. Spaulding was assigned as Investigative Employee for CDCR-115, Log FD-07-02-0084. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder for the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

**DEFENDANT'S STATEMENT:** On 02/26/07, I interviewed Inmate HOLLIS (E-37508) regarding the disciplinary charges, and Inmate HOLLIS made the following statement: "I request to be found not guilty in the interest of justice. There is not an inmate BARNETT assigned to D8-219 as addressed in the written report. There was not a CDCR-1882-B or CDCR-154 generate on 02/21/07 for an inmate to be assigned to my cell. I'm currently deemed a threat to the safety and security to the institution, staff and other inmates and I'm currently assigned walk-alone status by IOC Committee. I request CDCR 1882-B or CDCR-154 to be evidence at hearing."

**REPORTING EMPLOYEE'S STATEMENT:** On 02/26/07, I interviewed Correctional Sergeant R. Nava, regarding Inmate HOLLIS disciplinary charges, and Sergeant R. Nava, made the following statement: "Inmate HOLLIS refused to take a compatible cellie and stated that he told Committee that he would not accept a cellmate."

**INVESTIGATIVE EMPLOYEE'S STATEMENT:** On 02/26/07, I, Correctional Officer J. Spaulding made the following statement: "I interviewed all Staff and Inmate HOLLIS concerning this RVR". *(Inmate BARNETT WAS NOT INTERVIEWED)*

Inmate HOLLIS requested the following witnesses to be present at the disciplinary hearing.

NAME	POSITION	ROOM'S
Sergeant R. Nava	D-Program Sgt.	F/S

Request CDCR1882-B or CDCR-154 to be evidence at hearing.

J. Spaulding, Correctional Officer

SIGNATURE OF WRITER <i>J. Spaulding</i>		DATE SIGNED <b>2/27/07</b>	
GIVEN BY: (Staff's Signature) <i>S. Celaya</i>		DATE SIGNED <b>2/27/07</b>	TIME SIGNED <b>1130</b>

☒ COPY OF CDC 115-C GIVEN TO INMATE